



**MILPITAS CITY COUNCIL MEETING AGENDA  
OCTOBER 4, 2005**

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**6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)  
455 E. CALAVERAS BOULEVARD**

**SUMMARY OF CONTENTS**

**I. ROLL CALL (6:00 p.m.)**

**II. ADJOURN TO CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATORS – COLLECTIVE BARGAINING  
(Pursuant to California Government Code Section 54957.6)**

**City Negotiators: Art Hartinger, Ed Kreisberg, Carmen Valdez**

**Employee Organizations: Police Officers Association (MPOA), International Association of  
Firefighters (IAFF), Protech**

**Under Negotiation: Wages, Hours, Benefits, Working Conditions**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
(Pursuant to California Government Code Section 54956.9)**

**1 case, City as defendant**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Pursuant to California Government Code Section 54956.9)**

**City of Milpitas v. City of San Jose, Case No. CV046013, Santa Clara County Superior Court**

**III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required  
pursuant to Government Code §54957.1, including the vote on abstention of each member present**

**IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**

**V. INVOCATION (Mayor Esteves)**

**VI. APPROVAL OF MINUTES (September 20, 2005)**

**VII. SCHEDULE OF MEETINGS**

**VIII. PRESENTATIONS**

**Proclamations:**

**Fire Prevention Week, October 9-15, 2005**

**Pacific Gas & Electric Company Day, October 10, 2005**

**IX. CITIZENS FORUM**

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Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

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**X. ANNOUNCEMENTS**

**XI. ANNOUNCEMENT OF CONFLICT OF INTEREST**

**XII. APPROVAL OF AGENDA**

**XIII. CONSENT CALENDAR (Items with Asterisks)**

**XIV. PUBLIC HEARING**

- 1. Review And Approval of Community Development Block Grant (CDBG) Program Two-Year Funding Priorities And Policy Amendments For FY 2006-2008 (Staff Contacts: Felix Reliford, 586-3071 and Gloria Anaya, 586-3075)**

**XV. UNFINISHED BUSINESS**

- \* 2. Odor Control Comprehensive Action Plan Update (Staff Contact: Darryl Wong, 586-3345)**

**XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

**RA1. Call to Order by the Mayor**

**RA2. Roll Call**

**RA3. Approval of Minutes (September 20, 2005)**

**RA4. Approval of Agenda and Consent Calendar**

**RA5. Receive Progress Report on Library, and Approve the Schematic Plan for Midtown East Parking Garage (Project No's. 8162 & 8161) (Staff Contact: Mark Rogge 586-3403)**

- \* RA6. Approve New Capital Improvement Project and Budget Appropriation for Interim Senior Center Re-roofing, Project No. 8178 (Staff Contact: Mark Rogge, 586-3403)**

- \* RA7. Authorize the City Manager to Execute the Agreement: Associated Right of Way Services, Inc., Abel Street Midtown Improvements (Project No. 8157) (Staff Contact: Steve Erickson, 586-3414)**

- \* RA8. Reject Bids and Authorize the Re-Advertisement for Bid Proposals: Sports Center Underwater Pool Lighting & Swimming Pool Resurfacing, Project No. 8163 (Staff Contact: Greg Armendariz, 586-3317)**

**RA9. Agency Adjournment**

**XVII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES**

**City Council**

- 3. Consider Temporary Closings of Corning Ave. For Farmers' Market Operation (Contact: Mayor Esteves, 586-3029)**
- 4. Approve Mayor's Appointments To City Commissions (Contact: Mayor Esteves, 586-3029)**

5. **Citywide Reorganization Policies and Guidelines (Contact: Vice Mayor Gomez, 586-3031, Councilmember Debbie Giordano, 586-3032)**
6. **Update on Open Government Subcommittee Appointments (Contact: Vice Mayor Gomez, 586-3031)**
7. **Consideration of Planning Commission Vacancies (Contact: Councilmember Livengood, 586-3027)**
- \* 8. **Request Removal of Mr. Philip Cook and Accept Resignation of Arsenio Iloreta from the Community Advisory Commission (Contact: Councilmember Polanski, 586-3024; Staff Contact: Dennis Carrington, 586-3275)**

#### **XVIII. NEW BUSINESS**

9. **Consideration of Marquee Request from the Milpitas Rotary Club (Staff Contact: Renee Lorentzen, 586-3286)**
10. **Status Report On Weed Abatement Efforts On Caltrans Property Located In Milpitas (Staff contact: Dennis Cuciz, 586-2631 and Patti Joki, 586-3370)**
- \* 11. **Approve Budget Transfer From Holding Account 1377, Recreation Services Account (Staff Contact: Renee Lorentzen, 586-3286)**
- \* 12. **Approve Budget Appropriation: FY 2005-06 for Department of Conservation Grant Funding (Staff Contact: Leslie Stobbe, 586-3352)**
- \* 13. **Authorize City Manager to Execute an Agreement between Milpitas Alliance for the Arts and Artist Laurel True (Staff Contact: Renee Lorentzen, 586-3286)**

#### **XIX. ORDINANCES**

14. **Waive Reading Beyond the Title and Introduce Ordinance No. 272 Designating Three Public Places Within the City of Milpitas for the Posting of Public Notices Inviting Bids on City Public Projects, in Accordance with California Public Contract Code §20164 (Staff Contact: Richard Pio Roda, 586-3040)**
15. **Waive Reading Beyond the Title and Introduce Traffic Ordinance No. 43.201: Amendment to the Traffic Code, to Change the Speed Zones Boundaries and Speed Limits on Main Street Between Railroad Court and Montague Expressway (Staff Contact: Jaime Rodriguez, 586-3335)**
- \* 16. **Waive Second Reading of the Title and Adopt Ordinance No. 38.767 Amending Title XI, Chapter 10 (Planning, Zoning and Annexation) and Chapter 1 (Subdivision Ordinance) Text of the Municipal Code (P-ZT2005-2) (Staff Contact: Kim Duncan, 586-3283)**

#### **XX. RESOLUTIONS**

- \* 17. **Adopt Resolution of Initial Acceptance: 2005 Street Resurfacing, Project 4223 (Staff Contact: Doug DeVries, 586-3313)**
- \* 18. **Adopt Resolution in Support of Guidelines and Standards for Land Uses Near Streams and the 2005-06 Implementations Program of the Santa Clara Valley Water Resources Protection Collaborative (Staff Contact: Greg Armendariz, 586-3317)**

**XXI. BIDS AND CONTRACTS**

- \* 19. Approve the Purchase of a Catch Basin / Sewer Cleaning Truck (Staff Contact: Chris Schroeder, 586-3161)
- \* 20. Authorize City Manager To Execute Agreement Amendment: SSA Landscape Architects, Inc., Sports Center Circulation Improvements, Project No. 8149 (Staff Contact: Greg Armendariz, 586- 3317)
- \* 21. Award the Bid for the Ball Field Scoreboard (Staff Contact: Chris Schroeder, 586-3161)
- \* 22. Award the Bid for a Radar Trailer (Staff Contact: Chris Schroeder, 586-3161)
- \* 23. Approve the Purchase of Water Meters (Staff Contact: Chris Schroeder, 586-3161)
- \* 24. Reject Bids and Authorize the Re-advertisement For Bid Proposals: Tasman Gateway Monument Ladder, Project No. 8135 (Staff Contact: Doug DeVries, 586-3313)
- \* 25. Authorize the City Manager to Execute Agreement: Raines, Melton and Carella Inc, Treatment Capacity Purchase, Project No. 6104 (Staff Contact: Darryl Wong, 586-3345)
- \* 26. Authorize the City Manager to Execute Agreement and Approve \$6,000 Budget Appropriation For Study of Library Operation Alternatives: Ruth Metz Associates (Staff Contact: Cindy Maxwell, 586-3282)
- \* 27. Approve the Purchase of Five (5) Vehicle Speed Feedback Signs (Staff Contact: Chris Schroeder, 586-3161)
- \* 28. Approve the Purchase of an Automated Collision Database System with Geographical Information System (GIS) Capabilities (Staff Contact: Chris Schroeder, 586-3161)

**XXII. CLAIMS AND DEMANDS**

- \* 29. Approve Payment Requests: Miscellaneous Vendors / Contractors (Staff Contact: Chris Schroeder, 586-3161)

**XXIII. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, OCTOBER 18, 2005, AT 7:00 P.M.**

**KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City exist to conduct the people's business.

This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN

GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE,

CONTACT THE OPEN GOVERNMENT COMMISSION

at the City Attorney's office at Milpitas City Hall

455 E. Calaveras Boulevard, Milpitas, CA 95035

E-mail: [rpioroda@ci.milpitas.ca.gov](mailto:rpioroda@ci.milpitas.ca.gov) / Fax: 408-586-3030 / Phone: 408-586-3040

*A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), select Open Government Ordinance under News Features.*

**BECOME A CITY COMMISSIONER!**

Currently, there are openings on the following Commission:

*Community Advisory Commission*

*Economic Development Commission (rep. for Hotel Industry)*

*Public Art Committee*

*Recycling and Source Reduction Commission*

Applications are available online at [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) or outside City Council Chambers.

Contact the City Clerk's Office (586-3003) for information.

## AGENDA REPORTS

### **XIV. PUBLIC HEARING**

#### **1. Review And Approval Of Community Development Block Grant (CDBG) Program Two-Year Funding Priorities And Policy Amendments For FY 2006-2008 (Staff Contacts: Felix Reliford, 586-3071 and Gloria Anaya, 586-3075)**

**Background:** The City of Milpitas became a Community Development Block Grant (CDBG) entitlement city in 1997. In 1998, the Council established the policy of reviewing CDBG funding priorities every two years. The Council previously reviewed the CDBG funding priorities in October 2003.

In accordance with Department of Housing and Urban Development (HUD) guidelines, City of Milpitas CDBG funds are separated into two categories: 1) Public Services (typically, non-profit organizations offering public services which predominately benefit low-income households) and 2) Non-Public Services (other funding categories including housing activities and community improvements). During Fiscal Year 2005-06, the City of Milpitas will receive \$670,852 in CDBG funds.

The City Council previous 2003-2005 CDBG funding priorities were:

##### Public Services

1. Senior Services
2. Youth/Teen Services
3. Homeless Services/Sheltering
4. Battered Women Services/Sheltering
5. Child Care

##### Non-Public Services

1. Home Repair/Rehabilitation
2. Affordable Housing
3. Rental/Apartment Rehabilitation

These previous CDBG funding priorities have allowed the Milpitas CDBG Program to be extremely successful in assisting Milpitas' low and moderate-income residents with a variety of public services, housing activities and community improvement projects. Furthermore, the City has received positive feedback from HUD on meeting the goals and objectives outlined in the five-year Consolidated Plan (2002-2007). Given the success of the existing priorities, staff and the CAC recommends maintaining the existing priorities for the next two years (2006-2008), with two policy amendments.

The first recommended policy amendment is:

- 1) To establish the policy of allocating annually 25% of the total amount of CDBG Public Services funds for City of Milpitas programs and services to low and moderate-income households.

During the CDBG public hearing in April 2005, the City Council expressed some concerns over the lack of funding available for the Recreation Department programs and services. Given the reduction in the CDBG funding from the previous year, the amount of funds recommended for the Recreation Department was reduced. The proposed policy of allocating 25% annually for the City's programs and services would provide a permanent funding sources to protect the City programs along with reducing the need to totally depend on the General Fund.

The Council should be advised that if the policy amendment above is approved, it's possible that some of the traditional non-profit agencies that the City has funded in the past may not

receive funds. Staff will continue to review the CDBG applications and provide the best possible recommendations to the Citizens Advisory Commission (CAC) and City Council to benefit Milpitas residents.

The second recommended policy amendment is:

- 2) To allocate an additional \$10,000 annually from the Redevelopment Agency 20% Low-Income Housing Set-Aside Funds for Project Sentinel, the City's Fair Housing Provider.

For the past several years, Project Sentinel has received \$15,000 of CDBG funds to provide fair housing services to the City of Milpitas. Recently, it was identified by staff that Milpitas provides the least amount of funding for fair housing services as compared to other cities throughout the county. The city ranks below the City of Gilroy, which provides \$40,000 which is the next lowest contributor on the list. The additional \$10,000 would increase City of Milpitas annual contribution to \$25,000. Staff has surveyed other cities in the county and several cities provide funding for fair housing services out of their redevelopment agency 20% set-aside allocation.

Project Sentinel has committed to providing the following additional fair housing services to the residents of Milpitas with the additional proposed funding:

Limited English Proficiency Plan (LEP)  
Increase contract goals for cases  
Series of educational workshops  
First-time Homebuyers Seminars  
Rights and Responsibilities for Landlords  
Rights and Responsibilities for Tenants  
Rights and Responsibilities for Mobile home Park Owners

On September 7, 2005, the Community Advisory Committee (CAC) reviewed the CDBG two-year funding priorities and recommended policy amendments and recommended approval to the City Council.

Notice of the CAC and City Council's meetings was advertised in the Milpitas Post and has been sent to all CDBG service providers and other interested parties (including those service providers that were not funded during the past CDBG funding cycle). Included in the Council agenda packet are copies of the funding matrix for FY 2005-2006 and the CAC minutes of the September 7, 2005 meeting.

**Recommendation:**

1. Close the Public Hearing.
2. Approve the CDBG Two-Year (2005-2007) Funding Priorities and the two policy amendments as recommended by the Citizens Advisory Commission (CAC).

**XV. UNFINISHED BUSINESS**

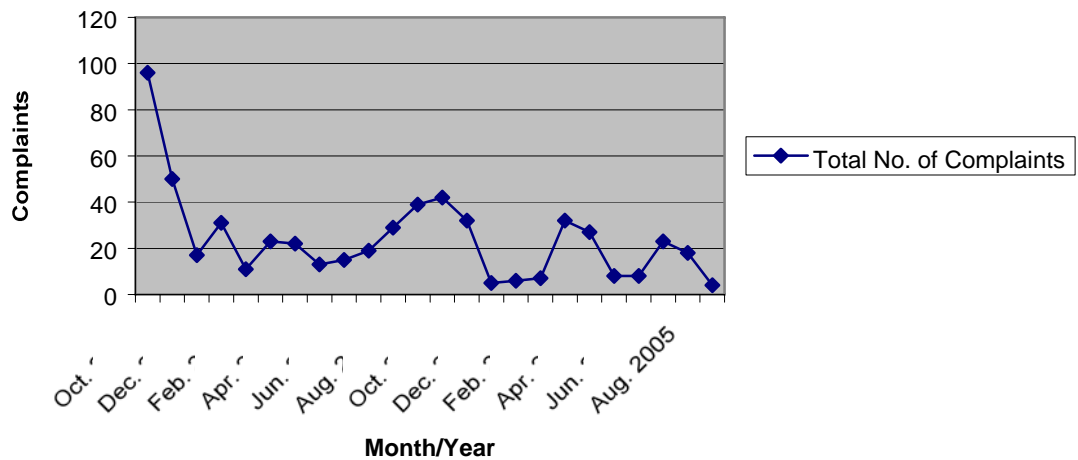
**\* 2. Odor Control Comprehensive Action Plan Update (Staff Contact: Darryl Wong, 586-3345)**

**Background:** This is the quarterly staff update on the Odor Control Comprehensive Action Plan. The Bay Area Air Quality Management District (BAAQMD) Rapid Notification e-mail system was not operating due to technical problems between February 28 and June 6, 2005. The system has been back on line since June 6. Complaint levels are comparable with the number of complaints the same time last year. Odor information continues to be made available to the public through the city's website, cable channel, radio, and flyers which are made available at



public counters at City Hall, Recreation Center and Public Works building. Staff also distributed odor outreach information as a combined odor and street sweeping door hanger to residents in July. The BAAQMD has reported the following number of complaints:

#### October 2003 - September 26, 2005 Odor Complaint Summary



**Recommendation:** Note receipt and file progress report

#### XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

**RA1. Call to Order by the Mayor**

**RA2. Roll Call**

**RA3. Approval of Minutes (September 20, 2005)**

**RA4. Approval of Agenda and Consent Calendar**

**RA5. Receive Progress Report on Library, and Approve the Schematic Plan for Midtown East Parking Garage (Project No's. 8162 & 8161) (Staff Contact: Mark Rogge 586-3403)**

**Background:** The architect for the library continues with the Design Development phase. The architect for the Midtown East parking garage is continuing with work on the garage design. The Schematic Plan for the East garage is now ready for Council Approval. Staff will provide a brief presentation on the design progress of these projects.

**Recommendation:**

1. Note, receive, and file the progress report on the design of the library and the Midtown East and West parking garages.
2. Approve the Schematic Plan for the Midtown East parking garage.

**\*RA6. Approve New Capital Improvement Project and Budget Appropriation for New Interim Senior Center Re-roofing, Project No. 8178 (Staff Contact: Mark Rogge, 586-3403)**

**Background:** The City Council awarded the Interim Senior Center Re-roofing Project No. 8135 in the amount of \$78,075 to Western Roofing Service on July 5<sup>th</sup>, 2005, and recently approved a \$25,000 contract change order. The completed project will remove and replace the existing roof at the Cracolice Building.



The project is funded from Community Development Block Grant (CDBG) for \$30,000, with the remainder from the City's RDA. To simplify the audit process it is beneficial that this CDBG-funded project be separated into its own project number. The current Project No. 8135 includes work on other City buildings that do not have CDBG funding. Separating the projects will reduce paper work and other federal requirements that may be imposed.

A transfer of the amounts previously approved for this project totaling \$55,000 from Project No. 8135 and a appropriation of \$50,000 from RDA fund into the newly created CIP is recommended.

**Recommendation:**

1. Approve New CIP Project No. 8178, Interim Senior Center Re-roofing.
2. De-fund previously approved funds in the amount of \$25,000 from RDA Tax Increment and \$30,000 of CDBG funds from Project No. 8135.
3. Approve an appropriation of \$75,000 from RDA Tax Increment and \$30,000 from CDBG funding into the new CIP Project No. 8178 Interim Senior Center Roofing.
4. Approve transfer of the previously approved Western Roofing Service contract, including change orders into the new CIP Project No. 8178 Interim Senior Center Re-roofing.

**\*RA7. Authorize the City Manager to Execute the Agreement: Associated Right of Way Services, Inc., Abel Street Midtown Improvements (Project No. 8157) (Staff Contact: Steve Erickson, 586-3414)**

**Background:** On March 25, 2004, the City Council approved a design services agreement for the design of street improvements to Abel Street from Weller Lane to Great Mall Parkway. The improvements will include the landscaping and streetscape additions required to create a boulevard corridor on Abel Street in accordance with the approved Midtown Streetscape Master Plan.

The project is nearing completion of design and the acquisition of right-of-way for easement purposes for traffic control facilities at the Corning/ Abel and Serra/Abel intersections is required prior to starting construction.

Staff issued a Request For Proposal (RFP) for right of way appraisal and acquisition services, and interviewed several professional consultants in conformance with the City's consultant selection process. Staff recommends that Associate Right of Way Services Inc. (AR/WS) be selected to provide the required services for acquisition of the needed right-of-way.

Staff has negotiated a fee for these additional services not to exceed \$28,000, which is considered reasonable for the work. Sufficient funds are available in the project budget to cover these additional services.

**Recommendation:** Authorize the City Manager to execute an Agreement Amendment with Associated Right of Way Inc. in the amount of \$28,000, subject to approval as to form by the City Attorney.

**\*RA8. Reject Bids and Authorize the Re-Advertisement for Bid Proposals: Sports Center Underwater Pool Lighting & Swimming Pool Resurfacing, Project No. 8163 (Staff Contact: Greg Armendariz, 586-3317)**

**Background:** On August 16, 2005, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals. This project replaces the under water pool lights at the Sports Center yard pool in compliance with the California Health Code, Section 3114B. Illumination of underwater areas provides direct vision and enables surveillance of all swimming activities. This project will also provide upgraded electrical panels, transformers and light fixtures in compliance with the State health code. Due to

heavy pool use, repeated cleaning, and safety concerns, the resurfacing of the swimming pools, which is programmed in the five year CIP for funding in fiscal year 2007-08 was also included in the bid package.

The Engineer's estimated construction cost was \$172,131.48. The project was advertised for construction bid proposals on August 18, 2005 and sealed bid proposals were subsequently opened on Monday September 19, 2005. One bid proposal was received in the amount of \$ 236,152. from Martin Company.

Staff has determined the bid to be non-responsive, the bidder proposes to subcontract 85% of the work. The contract specifications require the contractor to perform 51% of the work. Staff recommends rejection of the bid, and requests authorization to revise the plans and specifications, and re-advertise the underwater lighting portion of the project for bid proposals immediately. The estimated construction cost of the electrical work alone is \$ 29,532.00. The pool-resurfacing portion of the project is proposed to be re-advertised in early 2006 to allow for construction in spring 2006 when weather conditions are more favorable for this type of work.

**Recommendation:**

1. Reject bid.
2. Approve the re-advertisement of the project for bid proposals.

**RA9. Agency Adjournment**

**XVII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES**

**City Council**

**3. Consider Temporary Closings of Corning Ave. For Farmers' Market Operation (Contact: Mayor Esteves, 586-3029)**

**Background:** The Farmers' Market Association has not yet found a new location for the Milpitas Farmers' Market. The City Council may want to consider the impacts of closing Corning Avenue once or twice a week for the Market.

**Recommendation:** Provide direction to staff, as appropriate.

**4. Approve Mayor's Appointments To City Commissions (Contact: Mayor Esteves, 586-3029)**

**Background:** Several City Commissions have Commissioners whose terms expire in October, while others have current vacancies. Mayor Esteves recommends the following Milpitas residents to be appointed to Commissions noted below.

**Arts Commission**

Re-appoint Linda Rabe to a 3-year term that expires October 2008.

Re-appoint Linda Hicks to a 3-year term that expires October 2008.

Re-appoint Archana Aragon as Alternate #2 to a term that expires October 2007

**Community Advisory Commission**

Appoint Danny Fang (formerly Alternate # 1) to a vacant 3-year unexpired term that expires January 2006.

Appoint Michael Queenan as Alternate #1 from #Alternate #2.

Appoint Nelson Villegas as Alternate #2 from Alternate #3.

Appoint Reena Choudhury as Alternate #3 from Alternate #4.

Appoint Phu Huu Le as Alternate # 4 with a term expiring January 2006.

**Recommendation:** Motion to approve the Mayor's Appointments

**5. Citywide Reorganization Policies and Guidelines (Contact: Vice Mayor Gomez, 586-3031, Councilmember Debbie Giordano, 586-3032)**

**Background:** During the 2005 Budget Work Session, the City Manager informed the City Council of an upcoming citywide reorganization plan in an effort to deal with the imminent budget shortfall. As policymakers, Councilmembers are prohibited from being involved in day-to-day operations of staff. However, when reorganizations occur, the Council may set forth policies to ensure that we meet our budget challenges and continue to provide the high level of service that our residents have come to expect.

The current projected budget shortfall seriously threatens the City's ability to provide basic public services, jeopardizes our major initiatives, and limits our ability to stimulate the local economy. The persistent local economic downturn and its negative impact on our revenues have required us to substantially reduce our reserves. This makes our task for balancing our budget next year and protecting vital services for the coming year much more difficult, but if we work together and provide the proper policies to staff it can be done.

This reorganization begins the process we all should commit to: to reform how government works in Milpitas in the years to come. During these difficult times, the Finance Subcommittee believes that government needs to become leaner, smarter and more dynamic to ensure the preservation of vital services. If we want to remain a strong city, we must have the courage to change how we run city government.

To protect and improve city services, we need to reorganize city government. Reorganizations are key to the City's efforts to protect vital services. Our city cannot spend revenues we do not have. To preserve critical services to those who need them most, the Council and Manager have asked city employees to shoulder a share of this budget shortfall through a zero wage increase and MOU modifications. This year's budget assumed this. On behalf of all the residents of Milpitas, the Council offers them our thanks.

The Council is confident that through diligent management, creative thinking, and a willingness to let go of old ways of doing business we can collectively meet these challenges while preserving those services that Milpitas residents rely upon.

The Finance Subcommittee meets on September 28th to review the adoption of several policies for the manager to use as a guide during the citywide reorganization. A memo detailing the policies will be available following Wednesday evening's Finance meeting.

**Recommendation:** City Council move to approve these policies and guidelines to assist the City Manager through his reorganization efforts to protect the level of service our residents expect and deserve.

**6. Update on Open Government Subcommittee Appointments (Contact: Vice Mayor Gomez, 586-3031)**

**Background:** The City Council adopted Ordinance No. 262.2 on August 16, 2005 which amended the Open Government ordinance, calling for a new Council Subcommittee on Open Government. Two City Councilmembers shall serve on that Subcommittee. Vice Mayor Gomez

requests that the Mayor and City Council make a determination as to who will form that subcommittee and begin meeting.

**Recommendation:** Request the Mayor to make the Subcommittee Appointments.

**7. Consideration of Planning Commission Vacancies (Contact: Councilmember Livengood, 586-3027)**

**Background:** Councilmember Livengood requests the City Council take the following steps in preparation for the December term expiration of two Planning commission seats:

1. Conduct interviews of interested candidates sometime in mid-November. Both of the incumbent Planning Commissioners and any other Milpitas residents will be invited to apply.
2. Interviews will be conducted at a special meeting in mid to late November. Following the interviews, the City Council, by a majority vote, will appoint two of the candidates.
3. Outreach into the community for applicants will include an ad in the Milpitas Post, use of the City marquee and cable Channel 15 ads. Councilmembers are encouraged, but not required, to do outreach into the community using their own resources.
4. The two successful candidates will take their seats at the first Planning Commission meeting in December.

**Recommendation:** Move to accept report of Councilmember Livengood and take the four steps recommended above.

**\* 8. Request Removal Of Mr. Philip Cook And Resignation of Mr. Arsenio Iloreta from the Community Advisory Commission (Contact: Councilmember Polanski, 586-3024; Staff Contact: Dennis Carrington, 586-3275)**

**Background:** Philip Cook has served on the Community Advisory Commission for over 12 years. Mr. Cook has not been able to attend CAC meetings during 2005 due to health reasons. Section 3, Term of Office and Removal, of the CAC Bylaws reads in part: "When any member or alternate has three or more unexcused absences in a 12-month period, the Commission shall forward this information to the City Council for review and possible removal of the member or alternate from the Commission. Any member or alternate of the Community Advisory Commission may be removed from office by a majority vote of the City Council at a regularly scheduled Council meeting."

The Community Advisory Commission, at its September 7, 2005 meeting, discussed the attendance of Mr. Cook and voted to request the City Council to take appropriate action with regard to Mr. Cook. pursuant to the CAC Bylaws.

Mr. Arsenio Iloreta, who has served on the Community Advisory Commission since June 1995, has submitted his resignation from the CAC effective September 7, 2005 for several reasons.

**Discussion:** The purpose of the attendance requirements in the CAC Bylaws is to ensure adequate attendance on the Commission and to meet the needs of the citizens of the Milpitas. If a person can no longer meet the attendance requirements of the CAC Bylaws, they are to be removed so that another citizen of Milpitas may serve on the Community Advisory Commission.

**Recommendation:**

1. Receive staff report
2. Motion to remove Mr. Philip Cook from the Community Advisory Commission.
3. Accept resignation of Mr. Arsenio Iloreta from the Community Advisory Commission.

## **XVIII. NEW BUSINESS**

### **9. Marquee Request: Milpitas Rotary Club (Staff Contact, Renee Lorentzen, 586-3286)**

**Background:** Frank DeSmidt, Milpitas Rotary Club Member, on behalf of the Milpitas Rotary Club, has requested to place information on the City of Milpitas Marquee to advertise its upcoming "Texas Hold 'Em" Tournament on Saturday, November 5, 2005. Proceeds from this tournament will go to Milpitas Public Schools, teacher and student supplies. The following is the requested information to run October 17 – November 5, 2005:

Milpitas Rotary Club  
Texas Hold 'Em Tourn.  
Sat. Nov 5 at 6 pm  
[www.rotaryholdem.com](http://www.rotaryholdem.com)

Pursuant to City Council Resolution No. 7426, Facility Rules and Regulations, the marquee is to be used for City sponsored activities only and the City Council must approve all exceptions to the marquee policy.

**Recommendation:** Consider Milpitas Rotary Club's request to use the City of Milpitas Marquee from October 17-November 5, 2005 and move to do one of the following:

1. Approve exception to the Facility Rules and Regulations and approve request; OR
2. Deny the request, per Operating Procedures 10.5 of the Facility Rules and Regulations

### **10. Status Report On Weed Abatement Efforts On Caltrans Property Located In Milpitas (Staff contact: Dennis Cuciz, 586-2631 and Patti Joki, 586-3370))**

**Background:** Review Fire Department memo (in Agenda packet) on this topic, reporting the request to the state to perform weed abatement, along with comment from the City Attorney office on the matter of jurisdiction.

**Recommendation:** Note receipt and file memo.

### **\* 11. Approve Budget Transfer From Holding Account 1377 Recreation Services Account (Staff Contact: Renee Lorentzen, 586-3286)**

**Background:** The City of Milpitas Recreation Services Department received a Sponsorship from FIRST 5 of Santa Clara County in the amount of \$2,500.00, for the Arts Day Milpitas 2005 event on October 1, 2005. Sponsorship monies were awarded to assist Recreation Services with the purchase of supplies and services for the event.

Recreation Services is requesting approval to transfer the funds from Holding Account 1377-2500 into program account 100-168-4221 to cover the purchase of event supplies and services that had not been budgeted in Recreation Services operating budget for the Arts Day event

**Recommendation:** Approve budget transfer from Holding Account 1377-2500 to 100-168-4221 in the amount of \$2,500.

### **\* 12. Approve Budget Appropriation: FY 2005-06 Department of Conservation Grant Funding (Staff Contact: Leslie Stobbe, 586-3352)**

**Background:** On May 15, 2001, and October 7, 2003, Council adopted Resolutions No. 7094 and 7351, respectively, that authorized annual submittals for grant funding requests to the CA Department of Conservation, Division of Recycling Funds (DOC). Staff is pleased to report that the City has received a FY 2005-06 award of \$17,663 that may be used to support public information outreach for residential and school recycling education programs. Included in the Council packet is a Budget Appropriation Form accepting the FY 2005-06 DOC award for a total of \$17,663.

**Recommendation:** Approve the Budget Appropriation for unexpended FY 2004-05 grant funding of \$17,663.

**\* 13. Authorize City Manager to Execute Agreement: Milpitas Alliance for the Arts and Artist Laurel True (Staff Contact: Renee Lorentzen, 586-3286)**

**Background:** At the August 2, 2005, Milpitas City Council meeting, City Council approved the Starlite Art in Your Park Art Piece “Starscape Bench” by artist Laurel True. The City Council also approved the appropriation of \$10,000 from the Public Art Fund to the Milpitas Alliance for the Arts to assist in funding this project. Included in the Council’s packet is the contract between the City of Milpitas, Milpitas Alliance for the Arts and Artist Laurel True for the installation of the “Starscape Bench.” The contract has been approved to form by the City Attorney. Staff is also requesting that Council approves the location of the “Starscape Bench”, which is recommended to be located at north east section of the Park, adjacent to the Park’s play structure. City staff, Milpitas Alliance for the Arts representatives and Artist Laurel True have agreed upon the aforementioned location, due to the visibility, usage, maintenance accessibility and foundation placement.

**Recommendation:**

1. Approve Contract between the City of Milpitas, Milpitas Alliance for the Arts and the artist Laurel True.
2. Approve payment in the amount of \$10,000 from Account 212-100-4201 to the Milpitas Alliance for the Arts for the Starlite “Art in Your Park” Project.
3. Approve the location for the “Starscape Bench.”

**XIX. ORDINANCES**

**14. Waive Reading Beyond the Title and Introduce Ordinance No. 272 Designating Three Public Places Within the City of Milpitas for the Posting of Public Notices Inviting Bids on City Public Projects, in Accordance with California Public Contract Code §20164 (Staff Contact: Richard D. Pio Roda, 586-3040)**

**Background:** California Public Contract Code Section 20164 provides that notices inviting bids on City “public projects” (as that term is defined in California Public Contract Code Section 20161) shall be posted in at least three public places in the City that have been designated by ordinance as the places for posting public notices if there is no newspaper of general circulation printed and published in the City. The Milpitas Post, which has historically been the newspaper for the publishing of such notices inviting bids, is published, but not printed, in the City of Milpitas. Therefore, the City Council Finance Subcommittee recommended to the City Council that the City cease publishing notices inviting bids on City public projects in the Milpitas Post, and instead bring forward for the City Council’s consideration an ordinance designating three public places within the City for the posting of such notices inviting bids.

The proposed ordinance designates Milpitas City Hall, the Milpitas Community Center, and the Milpitas Public Library (now and in its future location) as the three places within the City designated for the posting of public notices inviting bids on City public projects. In addition, the



ordinance identifies and designates the City's website ([www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov)) as the site on the World Wide Web where such notices shall also be posted.

**Recommendation:**

1. Waive reading beyond the title.
2. Motion to introduce for first reading Ordinance No. 272, "An Ordinance of the City Council of the City of Milpitas designating three public places within the City of Milpitas for the posting of public notices inviting bids on City public projects, in accordance with California Public Contract Code Section 20164."

**15. Waive Reading Beyond the Title and Introduce Traffic Ordinance No. 43.201: Amendment to the Traffic Code, to Change the Speed Zones Boundaries and Speed Limits on Main Street Between Railroad Court and Montague Expressway (Staff Contact: Jaime Rodriguez, 586-3335)**

**Background:** The Midtown Specific Plan adopted by Council identifies Main Street as the core of the City's Midtown Area with projects aimed at promoting redevelopment. To ensure a strong pedestrian experience on Main Street, Abel Street was identified in the Midtown Specific Plan as the main boulevard corridor, with spurs to guide traffic to and from Main Street.

Knowing that both Main Street and Abel Street will be under major reconstruction within one year, as a result of planned public and private projects, staff studied the current traffic patterns along the Main Street from Railroad Court to Montague Expressway to determine if reconfiguration of the existing speed-zone boundaries and posted speed limits was appropriate under both the current and future uses of Main Street.

Based on the study performed, staff is recommending the following new speed zone boundaries and speed limits to be consistent with current traffic patterns:

Street	Proposed Speed Zone Segment	Proposed Speed Limit
N. Main St	Railroad Ct to Carlo St	30 MPH
S. Main St	Carlo St to Curtis Av	30 MPH
S. Main St	Curtis Av to Abel St	35 MPH
S. Main St	Abel St to Montague Exp	35 MPH

A staff report providing additional information on the study is attached, and the Traffic Surveys are available at the office of the City Engineer.

**Recommendation:** Waive reading beyond the title and Introduce Traffic Ordinance No. 43.201, an Amendment to the Traffic Code, to change the speed zone boundaries and speed limits on Main Street between Railroad Court and Montague Expressway.

**\* 16. Waive Second Reading of the Title and Adopt Ordinance No. 38.767 Amending Title XI, Chapter 10 (Planning, Zoning and Annexation) and Chapter 1 (Subdivision Ordinance) Text of the Municipal Code (P-ZT2005-2) (Staff Contact: Kim Duncan, 586-3283)**

**Background:** Ordinance No. 38.767 was initiated by staff to modify the zoning code for the purpose of eliminating inconsistencies, improve its effectiveness, clarify use determinations, and simplify areas of the ordinance that have been difficult to understand and interpret. The purpose for these modifications is to improve the "user friendliness" of the zoning code.

A draft version of Ordinance 38.767 was introduced to the Planning Commission at their meeting on August 10, 2005 as a public hearing item. At the meeting, Jim Murar, applicant for Parc Place, voiced concerns regarding the proposed text changes to the Private Usable Open Space Requirements for Residential Uses (Section 8.07 and Section 38.07). The Commission



recommended removing the item from the proposed amendments and requested future clarification from staff. Staff presented revised language for this item to the Planning Commission at their August 24, 2005 meeting. The Planning Commission had concerns regarding the minimum dimension of balconies and porches for high density residential districts and recommended the minimum dimension be increased from 4 ½' to 6' for private usable open space requirements. With this revision, the Planning Commission recommended the City Council adopt a resolution approving the Negative Declaration (EA2005-3), and the proposed zoning and subdivision ordinance text amendments.

At the September 20, 2005 City Council meeting, there was discussion regarding the minimum open space dimension contiguous to a unit. Council recommended the minimum dimension requirement be 4 ½ feet maintaining the overall requirement of 60 ft. Council adopted the Negative Declaration (EA2005-3) and introduced Ordinance 38.767 with the modification to allow the minimum open space requirement dimension of 4 ½ feet for residential high density zoning districts.

A total of twenty-six (26) modifications and clarifications are contained within this package of amendments. Briefly, these are as follows:

1. definition of "food store";
2. definition of "vocational school";
3. definition of "redevelopment";
4. definition of "infill";
5. definition of "gross acreage";
6. clarification of "efficiency apartment" definition;
7. definition of "open space recreational facility";
8. exempt small and large family childcare from home occupation section;
9. Clarify permit notification requirements for large family day care homes;
10. correct scribes error in single family residential (R1-6) section;
11. clarify types of vehicle sales and repair in Mixed Use (MXD) zoning district;
12. clarify condominium conversion procedure;
13. update proper reference in Section 54;
14. clarify parkland dedication in Subdivision Ordinance;
15. remove Agricultural Residential (AR) zoning district from ordinance;
16. codify business-to-business printing in industrial districts;
17. codify after-market auto part sales in Highway Services (HS);
18. codify parking ratio for athletic facilities;
19. codify wholesale and breeding of tropical fish;
20. add wholesale businesses to Highway Services;
21. move conditional uses listed in Section 57 to appropriate zoning districts;
22. reduce minimum usable open space requirement and modify definition in Multi-Family High Density (R3) district;
23. change approval authority for applications with density bonus;
24. clarify guest parking discrepancies in R3, R4 and MXD districts;
25. update density bonus section; and
26. expand private open space requirements in R3, R4 and MXD districts.

The above text amendments are provided in a clean version of Ordinance No. 38.767 included in the Council's packet that includes the above mentioned revision.

#### **Recommendation**

1. Waive the second reading beyond title.
2. Adopt Ordinance No. 38.767

## **XX. RESOLUTIONS**

\* 17. **Adopt Resolution of Initial Acceptance: 2005 Street Resurfacing, Project 4223 (Staff Contact: Doug DeVries, 586-3313)**

**Background:** This project to resurface various streets was awarded to Interstate Grading and Paving, Inc. on April 19, 2005. The City's contractor has completed the project. Therefore an initial acceptance may be granted and the contractor's faithful performance bond may be reduced to \$61,483.00, which is 10% of the contract amount.

**Recommendation:** Adopt resolution granting initial acceptance and reducing the faithful performance bond to \$61,483.00.

\* 18. **Adopt Resolution in Support of Guidelines and Standards for Land Uses Near Streams and the 2005-06 Implementations Program of the Santa Clara Valley Water Resources Protection Collaborative (Staff Contact: Greg Armendariz, 586-3317)**

**Background:** The Santa Clara Valley Water Resources Protection Collaborative (Collaborative) was convened in February 2003 to address issues related to land use near streams. The Collaborative consists of staff representatives from the municipalities in Santa Clara County, the County of Santa Clara, the Santa Clara Valley Water District (District) and other community and environmental group stakeholders.

The origins of the Collaborative go back to the District's effort to extend its permitting authority beyond its traditional jurisdictional boundary of 50 feet from District Streams and within Santa Clara County. Representatives from the cities and the County, while supportive of District's goals, were concerned about the potential conflicts between the District's permit requirements and local agencies' land use and zoning regulations.

The Collaborative was formed as a consensus-based forum in which the local agencies, the District, and other interested parties could jointly develop procedures to streamline the land development review process for work near streams and provide the desired water resource protection desired. On September 16, 2003, Council approved a resolution in support of the Collaborative mission.

The Collaborative participants, assisted by a professional facilitator, have met monthly for the past two and a half years and recently reached consensus on a number of key policy issues and guidance documents. The following documents have been developed:

- Guidelines and Standards (G&Ss) for Land Uses Near Streams
- Implementing Tools
- Adaptive Management Plan
- Outreach Work Plan
- Work Plan for the Collaborative (September 2005 – February 2007)
- Work Plan For Early Consultation Program for Review of Land Uses Near Streams
- Work Program for the District's Comprehensive Plan

The local agency members of the Collaborative have agreed to ask their governing bodies to adopt a resolution that commits their agency to the following:

- A commitment to make best efforts to incorporate the G&S and implementation tools into appropriate land use review processes no later than February 2007.
- A commitment for appropriate level of staff participation in the monitoring, assessment, and adaptive management process.
- A commitment for participation in a process of early consultation with the District for projects near streams, as appropriate. (In Milpitas, this process has already begun and has been a benefit in recent land development reviews).

- A commitment for continued attendance by staff members at quarterly Collaborative meetings through February 2007.

The implementation program identified above will have continuing impacts on City staff workload, at least in the first few years as the program is implemented. However, it is staff's intent to implement a program in Milpitas that minimizes the resource impacts, most importantly, this program improves the development process for developers with projects near streams, by providing a single stop permit process.

**Recommendation:** Adopt Resolution in support of the Guidelines and Standards for Land Near Streams and the 2005-06 Implementation Program of the Santa Clara Valley Resources Protection Collaborative.

## **XXI. BIDS AND CONTRACTS**

- \* **19. Approve the Purchase of a Catch Basin / Sewer Cleaning Truck (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** The Fiscal Year 2005-06 budget for Public Works includes the purchase of a catch basin / sewer cleaning truck to replace the current worn and obsolete equipment. The City is "piggybacking" on a purchase for a similar unit by the Eastern Municipal Water District (EMWD) in Perris California. Ricker Machinery is the Vactor distributor in Northern California and has agreed to offer to the City of Milpitas the same pricing for the Vactor model 2105 unit that was purchased by EMWD under Bid no. 2062 on January 7, 2005. Purchases of this type are permitted under Section I-2-5.06, Purchase through a Governmental Entity.

(Sufficient funding has been allocated in the FY 2005-06 Equipment Replacement Fund and the Utility Funds for this purchase.)

**Recommendation:** Approve the purchase of the catch basin / sewer cleaning truck from Ricker Machinery for the not to exceed amount of \$279,670.37.

- \* **20. Authorize City Manager To Execute Agreement Amendment: SSA Landscape Architects, Inc., Sports Center Circulation Improvements, Project No. 8149 (Staff Contact: Greg Armendariz, 586- 3317)**

**Background:** On September 21, 2004, the City Council awarded a consultant contract to SSA Landscape Architects, Inc (SSA) for design services of parking and vehicular access improvements at the Milpitas Sports Center and areas surrounding Milpitas Unified School District offices. It is necessary to separate the circulation project into different phases in order to produce a bid package that can be implemented within the current project budget. Also the plans and specifications will require some modification in order to accommodate the first phase of construction with existing conditions. Staff has negotiated a fee with SSA in the amount of \$29,050. for their services.

Staff recommends that the agreement be amended for this additional work scope and cost. There are sufficient funds in the project budget to cover this expense.

**Recommendation:** Authorize the City Manager to execute the agreement amendment with SSA Landscape Architects, Inc., in the amount of \$29,050, subject to approval as to form by the City Attorney.

- \* **21. Award the Bid for the Ball Field Scoreboard (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On July 22, 2005, staff sent out bid to furnish and install a scoreboard at Cardoza Field. The Invitation for Bid went to seven (7) vendors on Purchasing's vendor list, and two (2) responded. The following is a recap of the bids received.

<u>Bidder</u>	<u>Bid</u>
Fluoresco Lighting & Signs	\$22,952.00
Wright & Associates	\$17,100.00

(There are sufficient funds in the Parks Improvement Project CIP No. 5010)

**Recommendation:** Award the bid and authorize the City Manager to execute a contract to furnish and install the Ballfield Scoreboard to Wright & Associates as the low bidder for the not to exceed amount of \$17,100.00, subject to approval as to form by the City Attorney.

**\* 22. Award the Bid for a Radar Trailer (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** The Fiscal Year 2005-06 budget for the Police Department includes the purchase of a radar trailer to replace the current worn and obsolete equipment. There are only two competing vendors for this product, Purchasing sent a Request for Quotation to both, and results are summarized below, including tax and freight:

	<u>Mobile Trailer</u>	<u>Kustom Trailer</u>
Radar Trailer	\$ 11,483.32	\$12,250.00
Tax	947.37	1,010.63
Labor	1,320.00	
Freight		925.00
2 Yr Warranty		242.00
Total	<u>\$13,750.69</u>	\$14,427.63

(Sufficient funding has been allocated in the FY 2005-06 Equipment Replacement Fund and the Police Department Operating Budget for this purchase.)

**Recommendation:** Award the bid for the radar trailer to Mobile Traffic Zone, Inc. for the not to exceed amount of \$13,750.69.

**\* 23. Approve the Purchase of Water Meters (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** Six years ago the City went out to bid for water meters and Badger was the only company that could meet our specification for quality, service, and anti-tampering prevention. Badger has been the City's standard brand of choice since then. National Meter and Automation, Inc. is the sole authorized distributor of Badger meters for California. Staff is requesting that the equipment be purchased as a sole source procurement as sanctioned in section I-2-5.03-4 of the Milpitas Municipal Code. (Funds are available from Public Works Utilities Capital Outlay Budget for this purchase.)

**Recommendation:** Approve the purchase of 80 Badger water meters from National Meter and Automation, Inc. for \$29,847.23.

**\* 24. Reject Bids and Authorize the Re-advertisement For Bid Proposals: Tasman Gateway Monument Ladder, Project No. 8135 (Staff Contact: Doug DeVries, 586-3313)**

**Background:** This project is included in the Capital Improvement Program (CIP), and provides a permanent retractable ladder with cage and a grated platform strong enough to support maintenance workers and their equipment. This project is located at the corner of Tasman Drive and Alder Drive. This project benefits the City and the maintenance staff by providing safer

means for performing maintenance tasks such as cleaning the monument, replacing lights and changing the clock time. The work includes the fabrication and installation of a retractable adder, safety cage, grate, access door and finishes. The Engineer's estimated construction cost is \$28,000.

The project was advertised and a sealed bid proposal was opened on September 6, 2005. There was a single bid of \$42,342.50. The lone bidder was George Bianchi Construction, Inc and is subsequently the lowest bid.

Staff has determined that the current construction economy and environment is not favorable for bidding this type of project. Therefore, this project has generated little interest from contractors. It is anticipated that if the project is re-advertised at a later date, more interest in this project will be generated. Staff recommendation is to reject all bids, and request the authorization to re-advertise the project for bid proposals.

**Recommendation:**

1. Reject all bids.
2. Approve the re-advertisement of the project for bid proposals.

**\* 25. Authorize the City Manager to Execute Agreement: Raines, Melton and Carella Inc., Treatment Capacity Purchase, Project No. 6104 (Staff Contact: Darryl Wong, 586-3345)**

**Background:** This project is included in the approved five-year Capital Improvement Program, and involves increasing the City's share of treatment plant capacity at the regional waste water treatment plant (Plant). This capacity increase is recommended in the City's Sewer Master Plan, to accommodate the City's long term goals including the Midtown Specific Plan. Recently, West Valley Sanitation District (WVSD) and the City of Milpitas jointly funded a study that determined WVSD has excess treatment capacity of approximately 1 million gallons per day treatment capacity at the Plant. The purpose of this evaluation is to determine the fair purchase value or cost evaluation, of this excess capacity.

Raines, Melton, and Carella Inc. performed the initial study that identified excess capacity being available from WVSD and is qualified to perform this evaluation. Staff has negotiated a scope and fee not to exceed \$14,380, which is considered reasonable for the work. WVSD will reimburse the City of Milpitas for 50% of the cost of the evaluation.

Sufficient funds are available in the project budget for the evaluation.

**Recommendation:** Authorize the City Manager to execute an agreement with Raines, Melton, and Carella Inc., for an amount not to exceed \$14,380 for the cost evaluation of treatment plant capacity, subject to approval as to form by the City Attorney.

**\* 26. Authorize the City Manager to Execute Agreement and Approve \$6,000 Budget Appropriation For Study of Library Operation Alternatives: Ruth Metz Associates (Staff Contact: Cindy Maxwell, 586-3282)**

**Background:** On June 21, 2005, the City Council approved a Request for Proposals (RFP) and Budget Appropriation of \$60,000 to engage the services of a library consultant to conduct a study of alternatives for library operations. Four consultants submitted responses to the RFP and were interviewed. Ruth Metz Associates, Portland, Oregon, was selected as the most knowledgeable and experienced \$6,000 increase to the originally budgeted amount of \$60,000 will provide a project contingency. Revenue currently set aside from the Transient Occupancy Tax will provide the funds for the increase.

The study will provide information the City Council can use to evaluate current operations and help determine if the Milpitas Library should operate under a different governing structure. The scope of services includes a review of current operations, identification of alternative operating models and analysis of major issues. The alternatives will include revenue and expenditure projections for short term (five years) and long term (ten years), evaluation of benefits and liabilities, and consideration of need and feasibility for related services such as literacy, bookmobile, and facility scheduling.

**Recommendation:** (1) Authorize the City Manager to execute the agreement with Ruth Metz Associates in the amount of \$66,000 subject to approval as to form by the City Attorney to conduct a study of alternatives for library operations, and (2) Approve an increase to the original Budget Appropriation from \$60,000 to \$66,000.

- \* 27. **Approve the Purchase of Five (5) Vehicle Speed Feedback Signs (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On June 21, 2005 City Council accepted a reimbursable grant from the Office of Traffic Safety in the amount of \$36,800 for the purchase of four vehicle speed feedback signs. These are solar-powered radar technology signs that display to motorists their vehicle speed in efforts to encourage compliance with posted speed limits. The City is “piggybacking” on a purchase for similar signs on a Santa Clara County bid awarded to Western Pacific Signal, which is allowed by the Municipal Code as a purchase through a Government Entity. The competitive pricing on the County bid allows for the purchase of five signs for a total amount of \$31,592.76. The balance of \$5,207.24 will be applied towards a separate project also funded through the Office of Traffic Safety.

**Recommendation:** Approve the budget appropriation for this grant and authorize the purchase of five (5) Vehicle Speed Feedback Signs from Western Pacific Signal for \$31,592.76.

- \* 28. **Approve the Purchase of an Automated Collision Database System with Geographical Information System (GIS) Capabilities (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On June 21, 2005 the City Council accepted a reimbursable grant from the Office Traffic Safety (OTS) in the amount of \$30,000 for the purchase of an Automated Collision Database system with GIS Capabilities that will allow the Traffic Engineering staff to analyze collision and citation data to pro-actively implement traffic engineering solutions in the City. The OTS increased the total grant amount for this project to \$40,000 to allow for the purchase of a desktop computer and plotter for the system as well. Due to the proprietary nature of the software, staff is requesting that this be a sole source procurement from Crossroads Software as sanctioned in section I-2-5.03-4 of the Milpitas Municipal Code.

**Recommendation:** Approve the budget appropriation for this grant and authorize the purchase of an Automated Collision Database System with GIS Capabilities from Crossroads Software for \$29,900.00.

## **XXII. CLAIMS AND DEMANDS**

- \* 29. **Approve Payment Requests: Miscellaneous Vendors / Contractors (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** In accordance with direction given by City Council at its August 15, 1995 meeting, Purchasing has prepared the following list of purchasing requests over \$5,000.00 for approval:



1. \$8,700.00 to Therma, Inc. for an annual contract to perform bimonthly HVAC service and maintenance for all four (4) Fire Stations. (There are sufficient funds in the Fire Department Operating Budget for this service.)
2. \$50,000.00 to the U.S. Postal Service for the replenishment of postage meter for the City's outgoing metered mail. (Funds are available in the Finance department operating budget for this purchase.)

**Recommendation:** Approve two payment requests.

**XXIII. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, OCTOBER 18, 2005, AT 7:00 P.M.**